

Appl. No. 10/080,502
Amndt. dated September 27, 2004
Reply to Office Action of March 25, 2004

REMARKS/ARGUMENTS

Claims 1, 13, 23, and 34 have been amended. Support for the amendments can be found throughout the specification, including at page 5, lines 8-10. Applicants submit that the amendments contain no new matter. Claims 1-40 are pending in the application. Entry of the Amendment and reconsideration of the claims in view of the following Remarks is respectfully requested.

35 U.S.C. § 102

Claims 1, 11-13, 21-22, and 34 were rejected under 35 U.S.C. § 102(b) as anticipated by *Domb* et al. The Examiner contends that *Domb* et al. discloses a multiblock copolymer mixture that is dissolved in water and organic solvents. Applicants traverse this rejection.

The present claims recite a composition comprising a hydrophobic solvent and a hydrophilic solvent, wherein the composition forms a liquid or gel for direct administration to an organism. Applicants submit that *Domb* et al. do not teach or suggest a composition having this limitation.

Domb et al. is directed to nanoparticles and microparticles of nonlinear hydrophilic-hydrophobic multiblock polymers. This reference nowhere teaches or suggests, however, that the microparticles or nanoparticles are formed into a liquid or gel for direct administration to an organism, wherein the liquid or gel composition comprises a hydrophobic solvent and a hydrophilic solvent.

During preparation of the *Domb* et al. particles, the multiblock polymers are mixed with an organic solvent (column 7, lines 51-53). Water is then added to form an emulsion (lines 55-57). The Examiner contends, therefore, that *Domb* et al. discloses a multiblock polymer mixture dissolved in water and organic solvents. The Examiner acknowledges that the water and solvent is then evaporated in the *Domb* et al. process, but asserts that the composition and method of *Domb* et al. anticipates the present claims up until that stage of the preparation process.

Applicants submit, however, that the composition of *Domb* et al. at this stage of preparation, when dissolved in water and organic solvent, does not form a liquid or gel composition, and is not suitable for direct administration to an organism. Rather, the

Appl. No. 10/080,502
Amdt. dated September 27, 2004
Reply to Office Action of March 25, 2004

composition at this stage comprises an emulsion (column 7, lines 55-57), and further preparation is required to form the particles suitable for direct administration. Specifically, the solvent must be removed to form the particles (column 7, lines 57-64). After the solvent has been removed, Applicants submit that the composition of *Domb et al.* does not comprise a hydrophilic solvent and a hydrophobic solvent, as recited by the present claims.

Applicants respectfully submit, therefore, that claims 1, 11-13, 21-22, and 34 are patentable over *Domb et al.*, at least for the foregoing reasons. Withdrawal of the rejection is therefore requested.

Claim Objections

The Examiner objected to claims 2-10, 14-20, 25-33, and 35-40 as being dependent upon a rejected claim. These claims depend from one of claims 1, 13, and 34. Since these claims are patentable for the reasons discussed above, Applicants submit that their dependent claims are also patentable. Withdrawal of the objection is therefore requested.

Summary

Applicants submit that the claims are in condition for allowance and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' representative if prosecution may be assisted thereby.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

(612) 332.5300

Date: 9/27/04

23552

PATENT TRADEMARK OFFICE

Garen Gottfredson

Garen J. Gottfredson

Reg. No. 44,722

GJG